

**REMARKS**

Applicants wish to thank the Examiner for considering the present application. In the Final Office Action dated April 20, 2004, claims 1-20 are pending in the application. Applicants respectfully request the Examiner for a reconsideration.

Claims 1-3, 15, 16 and 18-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Lemelson* (6,226,389). Applicants respectfully traverse.

Claim 1 is directed to a precrash system for an automotive vehicle having a radar or lidar unit that generates an object distance signal and an object relative velocity signal. Claim 1 includes the decision zone and that the radar or lidar unit generates an object distance signal and an object relative velocity signal from an object within the decision zone. The system also has a vision system that generates an object size signal. This portion of the claim includes the vision sensor confirming the presence of the object within the decision zone. A controller is coupled to the radar unit or lidar unit and the vision unit for activating either the first countermeasure or the first and the second countermeasure in response to the object distance, relative velocity and the object size. The decision zone is defined in the specification and may correspond to the width of the vehicle and the length of the decision zone may correspond to the velocity of the vehicle. However, the decision zone is a specific area in front of the vehicle. Applicants respectfully submit that the *Lemelson* reference does not teach or suggest a decision zone. Applicants have reviewed the sections of the *Lemelson* reference cited by the Examiner. For example, Col. 2, lines 44-55, Col. 7, lines 30-49, and Col. 6, lines 5-13, Col. 11, lines 35-57, and Cols. 2-3, lines 44-30. With respect to Col. 7, lines 40-47, the Examiner points to the fact that the camera can be used to ascertain a width. However, this section specifically refers to calculating the width of a scanned image such as an automobile or truck. This does not refer to a decision zone. This paragraph also states that the first derivative or second derivative of the image width may be used to determine the vehicle speed. This also refers to the speed of the vehicle that is being imaged and not of a decision zone. That is, no teaching or suggestion is

found in the *Lemelson* reference for a decision zone. Furthermore, although the *Lemelson* reference teaches radar and a camera, no teaching or suggestion is found for determining an object within a decision zone from a radar or lidar then confirming the presence of the object within the decision zone using a vision system. Applicants can find no teaching or suggestion for this in the *Lemelson* reference.

Claims 2-3 and 5 are believed to be allowable for the same reasons set forth above with respect to claim 1 since these claims are dependent thereof and contain further limitations of claim 1.

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Lemelson* in view of *Kosiak* (5,835,007). Applicants respectfully submit that claim 4 is dependent on amended claim 1 and is therefore allowable. The *Kosiak* reference does not teach or suggest the limitations not suggested by the *Lemelson* reference.

Claim 6 is an independent claim which also recites a second sensor that confirms the presence of the object within the decision zone. As mentioned above, no teaching or suggestion is found in the *Lemelson* reference for this.

Claims 7-9 are dependent upon claim 6 and are believed to be allowable for the same reasons set forth above with respect to claim 6.

Claim 10 is a method for operating a pre-crash sensing system. The pre-crash sensing system has a decision zone that is a function of the relative velocity. As mentioned above, no teaching or suggestion is provided in the *Lemelson* reference for a decision zone that is sized with respect to the relative velocity.

Claims 11-16 and 18-19 are dependent upon claim 10 and are believed to be allowable for the same reasons set forth above.


Claims 17 and 19-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Lemelson* and *Shaw* as applied to claim 10 above, and in further view of *Farmer* (6,085,151). Applicants respectfully traverse.

Claims 17 and 19-20 are further limitations of claim 10. The *Farmer* reference does not teach or suggest a decision zone. The *Farmer* reference also does not teach or suggest varying a decision zone based upon the relative speed. Therefore, applicants respectfully submit that claims 17 and 19-20 are allowable for the reasons set forth above.

In light of the above remarks, applicants submit that all rejections are now overcome. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments which would place the application in better condition for allowance, the Examiner is respectfully requested to call the undersigned attorney.

Please charge any fees required in the filing of this amendment to Deposit Account 06-1510.

Respectfully submitted,



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